RECENT CASES.

CARRIERS—LOSS OF MANUSCRIPT—MEASURE OF DAMAGES.—SOUTHERN EXPRESS COMPANY v. OWENS, 41 SOUTHERN REP. 752 (ALABAMA).—*Held,* that in the absence of evidence of the market value of a lost manuscript it is proper to permit the plaintiff to testify as to the amount of time he had spent in the preparation of the manuscript and what he considered it worth, on the ground that where an article is so unusual in character that the market value cannot be determined, damages must be ascertained in some rational way.

CARRIERS—PASSENGERS—INJURIES—NEGLIGENCE—PROXIMATE CAUSE.—SNYDER v. COLORADO SPRINGS & C. C. D. RY. CO., 85 PACIFIC REP. 686 (COLO.). A passenger on a crowded car stood near the door with his hand resting on the door jamb. There were people between him and the door and some on the steps. The conductor in pushing his way through the crowd pressed the passenger against a third person sitting in a seat who gave the passenger a push, throwing him from the car.—*Held,* that the proximate cause of the injury was, as a matter of law, the action of the third person, for which the carrier was not liable.

The sole question here to be determined is,—what was the proximate cause of the accident? If the action of the conductor was the proximate cause then the defendant is liable. *Bouvier's Law Dict.,* Vol. II, page 790. defines proximate cause as follows: "That which, in a natural and continuous sequence, unbroken by any new cause, produces an event and without which the event would not have occurred." The authorities are uniform on the piont of holding the proximate cause liable for the injury, *Cooley on Torts,* 70. But they differ in the application of the rule, 93 U. S. 130. To render a railway company liable for injuries to one passenger by another, it must appear that the company was negligent in failing to put the passenger, actually doing the injury, off the car, *Louisville & N. R. Co. v. McEwan,* 31 S. W. 465. But the conductor must have had notice or have reasonably foreseen that the passenger doing the injury was dangerous, *Spohn v. Mo. Pac. Ry. Co.,* 87 Mo. 74. Would it be reasonable here for the conductor to foresee that the passenger would become irritated and push the other off the car? But a different view must be entertained if the original act of the conductor was wrongful. In other words, if he puts in motion a train of events which finally culminated in the accident, *Clark v. Chambers,* 3 Q. B. Div. 327; *Scott v. Shepherd,* 3 Wils. 403. (The latter being the famous and oft quoted "lighted squib case"). However, the decision should be consistent with principles of rational justice, *Baltimore & Potomac R. R. Co. v. Reaney,* 42 Md. 117. The case at hand, considering all the facts, seems to be rightly decided. *Adrian A. Pierson, (Ed.).*

CARRIERS—CONTRIBUTORY NEGLIGENCE—ALIGHTING FROM MOVING TRAIN. —TEXAS & P. RY. CO. v. WHITELY, 96 S. W. 108 (TEX.).—*Held,* alighting from a moving train is not contributory negligence *per se.*

Whether a person who alights from a moving train is guilty of contributory negligence is a question of fact for the jury, depending on attendant circumstances. *Little Rock & Ft. S. Ry. Co. v. Atkins,* 46 Ark. 423; *Chicago*